

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JACKSON *et al.*

Appl. No.: 10/701,844

Filed: November 4, 2003

For: **Chlamydia Protein, Gene
Sequence and Uses Thereof**

Confirmation No.: 3069

Art Unit: 1645

Examiner: BASKAR, Padmavathi

Atty. Docket: 2479.0040002/EJH/C-K

**Third Supplemental Information Disclosure Statement
Under 37 C.F.R. § 1.97(c)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental Information Disclosure Statement filed on August 1, 2007 in connection with the above-captioned application.

Copies of documents NPL-58-NPL72 were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 08/942,596, filed October 2, 1997, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d). In accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent application publications **US11** to **US12** cited on the attached IDS Form, PTO/SB/08A, are not submitted.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

The Examiner's attention is directed to the following co-pending and commonly-owned U.S. Patent Applications:

U.S. Patent Application No. 10/398,248, inventor W. James Jackson, filed August 1, 2003; published on February 26, 2004 as US2004/0037846, cited herein as document **US12**;

U.S. Patent Application No. 09/677,752, inventor W. James Jackson, filed October 2, 2000 ; unpublished, cited herein as document **NPL70**;

U.S Patent Application No. 11/781,203, inventor W. James Jackson, filing date July 20, 2007, unpublished, cited herein as document **NPL71**; and

U.S Patent Application No. 11/781,199, inventor W. James Jackson, filing date July 20, 2007, unpublished, cited herein as document **NPL72**.

The identification of the above-mentioned U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. Applicants note the above-listed applications in order for

the Examiner to consider the cited applications and the art cited therein during examination.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our Online Credit Card Payment in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

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Date:

November 5, 2007

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